

111TH CONGRESS
1ST SESSION

H. R. 2025

To ensure public access to Federal land and to the airspace over Federal land.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Mr. MINNICK (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure public access to Federal land and to the airspace over Federal land.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Backcountry Landing
5 Strip Access Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that aircraft landing strips—

1 (1) serve an essential safety function as emer-
2 gency landing areas;

3 (2) serve as trailhead access points for—

4 (A) outdoor enthusiasts and their activi-
5 ties, including hiking, fishing, and hunting;

6 (B) land management activities, including
7 forest management and firefighting; and

8 (C) inholdings, including mining, ranching,
9 scientific research, and tourism;

10 (3) provide access to national parks, national
11 forests, wilderness areas, and other Federal land for
12 people who would otherwise be physically unable to
13 enjoy such places;

14 (4) support the economies of the surrounding
15 communities by providing efficient access for visitors
16 seeking recreational activities; and

17 (5) serve an essential role in search and rescue,
18 forest and ecological management, research, wildlife
19 management, aerial mapping, firefighting, and dis-
20 aster relief.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **ADMINISTRATOR.**—The term “Adminis-
24 trator” means the Administrator of the Federal
25 Aviation Administration.

1 (2) AIRCRAFT LANDING STRIP.—The term “air-
 2 craft landing strip” means an established aircraft
 3 landing strip located on Federal land under the ad-
 4 ministrative jurisdiction of the Secretary that is for
 5 aircraft landing and departure activities.

6 (3) PERMANENTLY CLOSE.—The term “perma-
 7 nently close” means any closure lasting more than
 8 30 consecutive days in any calendar year.

9 (4) SECRETARY.—The term “Secretary”
 10 means—

11 (A) with respect to land under the jurisdic-
 12 tion of the Department of the Interior, the Sec-
 13 retary of the Interior; and

14 (B) with respect to land under the jurisdic-
 15 tion of the Department of Agriculture, the Sec-
 16 retary of Agriculture.

17 **SEC. 4. PROCEDURE FOR CONSIDERATION OF ACTIONS AF-**
 18 **FFECTING CERTAIN AIRCRAFT LANDING**
 19 **STRIPS.**

20 (a) IN GENERAL.—The Secretary shall not take any
 21 action that would permanently close, restrict, or render
 22 or declare as unserviceable any aircraft landing strip un-
 23 less—

1 (1) the action has been approved by the head
2 of the aviation department of the State in which the
3 aircraft landing strip is located;

4 (2) the Secretary publishes notice of the pro-
5 posed action in the Federal Register, including no-
6 tice that the action would permanently close, re-
7 strict, or render or declare as unserviceable the air-
8 craft landing strip;

9 (3) the Secretary provides for a 90-day public
10 comment period beginning on the date on which the
11 notice under paragraph (2) is published; and

12 (4) the Secretary and the head of the aviation
13 department of the State in which the affected air-
14 craft landing strip is located have taken into consid-
15 eration any comments received during the comment
16 period described in paragraph (3).

17 (b) POLICIES.—

18 (1) BACKCOUNTRY AVIATION POLICIES.—Not
19 later than 2 years after the date of the enactment
20 of this Act, the Secretary of the Interior and the
21 Secretary of Agriculture shall jointly—

22 (A) establish a national policy for gov-
23 erning backcountry aviation issues relating to
24 the management of Federal land under the ju-

1 jurisdiction of the Department of the Interior and
2 the Department of Agriculture; and

3 (B) require officials with jurisdiction over
4 the land described in subparagraph (A) to ad-
5 here to the policy established pursuant to such
6 subparagraph.

7 (2) REQUIREMENTS.—Any policy affecting air
8 access to an aircraft landing strip, including the pol-
9 icy established under paragraph (1), shall not take
10 effect unless the policy—

11 (A) acknowledges that the Administrator
12 has the sole authority to control aviation and
13 airspace over the United States; and

14 (B) was developed after seeking and con-
15 sidering comments from State governments and
16 the public.

17 (c) MAINTENANCE OF AIRSTRIPS.—

18 (1) IN GENERAL.—To ensure that aircraft land-
19 ing strips are maintained in a manner that is con-
20 sistent with the resource values of any adjacent
21 area, the Secretary shall consult with—

22 (A) the head of the aviation department of
23 each State in which an aircraft landing strip is
24 located; and

25 (B) any other interested parties.

1 (2) COOPERATIVE AGREEMENTS.—The Sec-
2 retary may enter into cooperative agreements with
3 interested parties for the maintenance of aircraft
4 landing strips.

5 (3) MAINTENANCE STANDARDS.—State aircraft
6 landing strip maintenance standards shall be used as
7 the minimum standard when such standards are
8 available.

9 (d) EXCHANGES OR ACQUISITIONS.—

10 (1) CONDITIONS.—If the Federal Government
11 acquires private or public property on which an air-
12 craft landing strip is located, the acquisition may
13 not require—

14 (A) the closure or purposeful neglect of the
15 aircraft landing strip; or

16 (B) any other action that would restrict
17 the use of any aircraft landing strip.

18 (2) AVAILABILITY.—Each private or publicly
19 owned aircraft landing strip acquired by the Federal
20 Government shall be made available to the general
21 public for unrestricted use.

22 (e) EFFECT ON FEDERAL AVIATION ADMINISTRA-
23 TION AUTHORITY.—Nothing in this Act may be construed

- 1 to affect the authority of the Administrator over aviation
- 2 or airspace.

